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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,269	09/15/2003	Michael L. Rudd	10010047-1	9020

7590 08/04/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TO, TUAN C

ART UNIT PAPER NUMBER

3663

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,269

Applicant(s)

RUDD ET AL.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,10-12,15,16,19,20 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,10-12,15,16,19,20 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7, 10-12, 19, 20 and 26 rejected under 35 U.S.C. 102 (a) as being anticipated by Murphy et al. (US 6147598A).

With respect to claims 1, 2, 6, and 7, Murphy et al. teaches a vehicle theft system including a handheld device comprising: a first identification device which is the handheld device (1a) including an image capturing device (150), a location system (135), and a communication device (160) (Murphy et al., figure 2), the handheld device (1a) further includes a data storage device for storing identification information corresponding to a user (Murphy et al., column 5, lines 21-30). The handheld device (1a) comprises the wireless communication device (160), which is configured to transmit the location data collected from the location determination system (135) and the identification information to a local law enforcement agency (Murphy et al, column 12, lines 1-17).

As to claim 3, Murphy et al. teaches that when a thief is stealing a vehicle, the image capturing device captures the images of thief and the location of the vehicle is transmitted (Murphy et al., column 12, lines 28-41).

As to claims 4 and 5, Murphy et al. further teaches a display device (180) configured to display images data corresponding to the location of the handheld device (1a) (Murphy et al, column 4, lines 3-12).

As to claims 10-12, Murphy et al. further discloses a photo system which is the image capturing device (150), and that the image data of a thief has been captured and the location where the image has been captured is transmitted to a law enforces agency.

As to claims 19 and 20, Murphy et al. teaches that the data storage device (130) stores user identification codes and/or passwords for alarm engagement and disengagement. Thus, Murphy et al. inherently teaches a credit system being configured to receive a request to access a credit account of the first user (via a password), determine whether the request is from the first user (if password is valid), and if the request is not from the first user, deny access to the credit account of the first user (if password is invalid).

With respect to claim 26, Murphy et al. teaches a vehicle theft system including a handheld device comprising: a first identification device which is the handheld device (1a) including an image capturing device (150), a location system (135), and a communication device (160) (Murphy et al., figure 2), the handheld device (1a) further includes a data storage device for storing identification information corresponding to a

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user (Murphy et al., column 5, lines 21-30). The handheld device (1a) comprises the wireless communication device (160), which is configured to transmit the location data collected from the location determination system (135) and the identification information to a local law enforcement agency (Murphy et al, column 12, lines 1-17).

The statements of intended use or field of use, "operative to..." clause is essentially method limitations or statements of intended or desired use. Thus, the claim as well as the statement of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See In re Pearson, 181 USPQ 641; In re Yanush, 177 USPQ 705; In re Finsterwalder, 168 USPQ 530; In re Casey, 512 USPQ 235; In re Otto, 136 USPQ 458; Ex parte Masham, 2 USPQ 2nd 1647.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ 2nd 1647

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. In re Danly, 120 USPQ 528, 531.

Apparatus claims cover what a device is not what a device does. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. (US 6147598A) and in view of Aslandogan et al. (US 6700504B1).

As set forth above, the reference to Murphy et al. addresses the limitations as recited in claim 1 except for the following: "provide the first user with information corresponding to a proposed route for the first user to travel from the location of the user to the second location, the information being based, at least in part, on the access of the user"

The secondary reference to Aslandogan et al. discloses a system/method for safe emergency vehicle operation using route calculation, comprising the teachings or

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proposed route is provided to the emergency vehicle upon a request (Aslandogan et al., abstract, column 1, lines 55-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Murphy et al. to include the teachings as taught by Aslandogan et al. so that retrieve a location of the closest hospital and therefore to gain advantage over the cite prior art cited by "determines one or more solution route between the starting location and the destination".

Response to Arguments

Applicant's arguments with respect to claims 1-7, 10-12, 15, 16, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

July 31, 2006